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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,529	02/06/2001	Richard Roelke	MEC-118J	8447

7590 09/30/2002  
Iandiorio & Teska  
260 Bear Hill Road  
Waltham, MA 02451-1018

EXAMINER
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HASAN, MOHAMMED A

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/777,529	Applicant(s) ROELKE, RICHARD	
	Examiner Mohammed Hasan	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 11 is/are pending in the application.
- 4a) Of the above claim(s) 4 - 8, 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 9, 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 4 – 8, 11 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.
2. Applicant's election of claims 1 – 3, 9 – 10 are drawn to a calibration artifact in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Oath/Declaration***

3. Oath and declaration filed on 2/6/2001 is accepted.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 3, and 9 are rejected under 35 U.S.C. 102 (b) as being unpatentable over O' Donnell, Jr (5,507,740).

Regarding claim 1, O' Donnell, Jr discloses (refer to figures 1 – 8) a calibration artifact (1) for calibrating a machine vision measurement system , the calibration artifact comprising:

a substrate ( S);

a plurality of concentric rings ( e.g., refer to figure 4, column 3, lines 3 – 9 ) on one surface of the substrate, each ring of a different pre-defined size (e.g., different size as shown in figure 4 ).

Regarding claim 2, O' Donnell, Jr discloses (refer to figure 4, column 3, lines 3 – 9) where the change in the size of any two adjacent rings is different than the change in the size of any other two adjacent rings.

Regarding claim 3, O' Donnell, Jr discloses (refer to figure 4) each ring has an inner edge and an outer edge (column 3, lines 3 – 9).

Regarding claim 9, O' Donnell, Jr discloses (refer to figures 1- 8 ) a calibration artifact for a machine vision measurement system the calibration artifact comprising : a substrate (S) , a plurality of concentric shapes on one surface of the substrate ( refer to figure 4, column 3, lines 3 – 9 ) , each shape of a different pre-defined size and where in the change between the size of any two adjacent shapes is different than the change in size in between any other two adjacent shapes ( e.g., different size as shown in figure 4).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C 103 (a) as being unpatentable over O' Donnell, Jr (5,507,740) in view of Admitted Prior Art.

Regarding claim 10, O' Donnell, Jr discloses (refer to figures 1- 8) a calibration system comprising the calibration artifact including: a substrate (S) , a plurality of concentric shapes on one surface of the substrate, each ring of different pre-defined size ( refer to figure 4, column 3, lines 3 – 9 ) , and where in the change between the size of any two adjacent shapes is different than the change in size in between any other two adjacent shapes ( e.g., different size as shown in figure 4). O' Donnell, Jr discloses all of the claimed limitations except a software algorithm including a database containing the size of each ring and data reflecting the change in size between each pair of adjacent rings. Admitted Prior art discloses (refer to figure 1) a computer 30 provides measurement software for measuring the diameter of the bore 20 and displays it on a monitor 40. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a computer with the software algorithm database such as containing bore information in to the O' Donnell, Jr a calibration system for the purpose of vision measurement system are capable of different

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magnification levels to accommodate parts of different sizes and to more accurately and view features of different sizes of any one part as taught by Admitted Prior Art (Page 2, lines 16 – 18).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art Judell et al (4,750,141) and, Fisher (5,327,907).

Judell et al (4,750,141) discloses measurement and testing, and more particularly, to novel wafer blow and wrap station.

Fisher (5,327,907) discloses a skeletal measurement device.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (703) 306-0089. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (703) 308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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MH

September 25, 2002

A handwritten signature in black ink, appearing to read "Georgia Epps", written in a cursive style.

Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800